

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO

UNITED STATES OF AMERICA,

Plaintiff,

vs.

No. CR 09-3207 JB

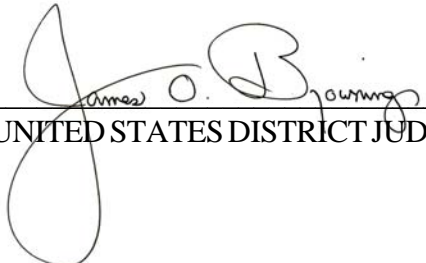
DAVID AGUILAR,

Defendant.

ORDER

THIS MATTER comes before the Court on Defendant David Aguilar's Motion for a Severance, filed February 4, 2010 (Doc. 60). The Court held a hearing on April 27, 2010. The primary issue is whether the Court should grant Defendant David Aguilar's motion to sever his criminal proceeding from that of his alleged co-conspirators. The Court concludes that Aguilar has made an insufficient showing of prejudice to justify granting a severance at this stage in the proceeding. For the reasons stated on the record, and for further reasons consistent with those already stated, the Court denies Aguilar's motion for a severance without prejudice to him renewing it when there is clearer evidence that he might experience some prejudice by being tried together with his co-Defendants.

IT IS ORDERED that Defendant David Aguilar's Motion for a Severance is denied without prejudice to Aguilar renewing it when he has more evidence that he might suffer prejudice by being tried simultaneously with his co-Defendants.


UNITED STATES DISTRICT JUDGE

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